



CHIRLA
Coalition for Humane
Immigrant Rights

February 1, 2023

Chair Jim Jordan
Committee on the Judiciary
Washington, DC 20515

Ranking Member Jerrold Nadler
Committee on the Judiciary
Washington, DC 20515

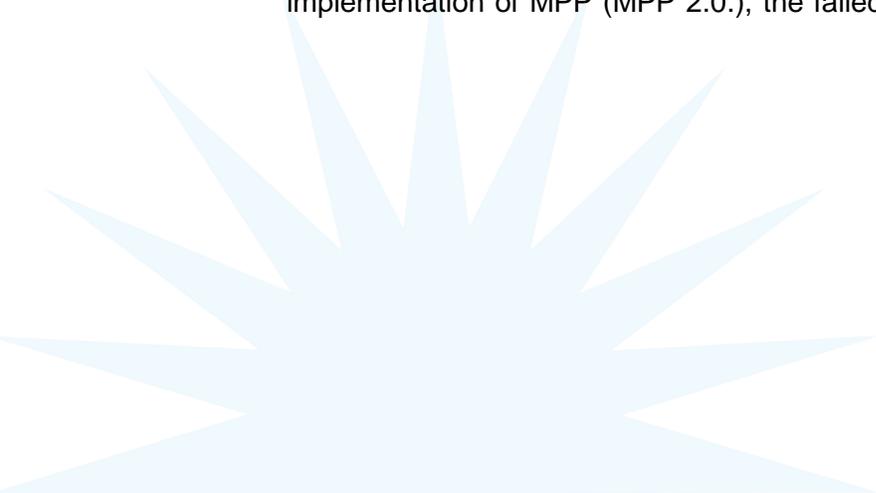
Chair Tom McClintock
Ranking Member Pramila Jayapal
Subcommittee on Immigration Integrity, Security and Enforcement

**Re: Hearing “Biden’s Border Crisis – Part One”
Wednesday, 1 February 2023, 2124 Rayburn House Office Building**

Dear Chairs Jordan & McClintock and Ranking Members Nadler & Jayapal:

On behalf of the Coalition for Humane Immigrant Rights (CHIRLA), the largest statewide immigrant rights organization in California, I submit this statement for the record for today’s hearing entitled Biden’s Border Crisis – Part One”. As an organization serving the immigrant community for the past 35 years, CHIRLA has worked to gain and maintain both trust and credibility as a reliable source of accurate information of events both in California and south of the U.S. – Mexico border. We strive to ensure that federal policies protect immigrants, promote family unity, and help achieve a just society fully inclusive of immigrants.

Since 2017, CHIRLA has monitored the implementation of harmful border policies such as, the unofficial “metering system”, the initial “Remain in Mexico” policy (Migrant Protection Protocols, MPP, “Remain in Mexico”), the court-ordered re-implementation of MPP (MPP 2.0.), the failed attempt to enact an illegal asylum





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ban, and more recently Title 42. CHIRLA bears witness of these policies' impact on immigrants who intend to exercise their legal right to seek asylum – for their own protection and that of their families- in this country.

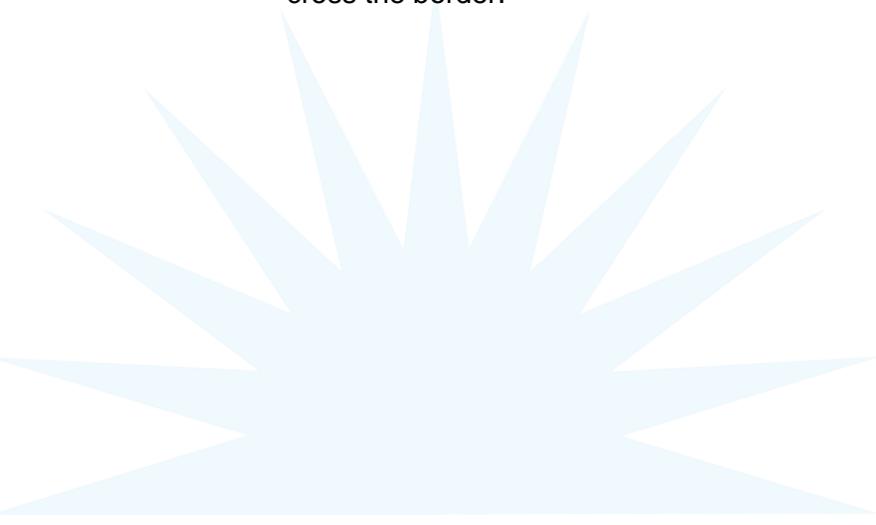
Migrant Protection Protocols/Remain in Mexico

Under Remain in Mexico, individuals who arrived at the southern border seeking asylum were given notices to appear (NTA) in immigration court and sent back to Mexico to wait for weeks or even months at time – to return to the border on the date of their court hearings.

While MPP created many due process-related issues and was challenged in court multiple times, it also forced people to remain in danger somewhere in Mexico prior to accessing the asylum system in the U.S. The U.S. and Mexico thus not only failed to provide the appropriate resources and basic dignity to people – who are seeking protection, but this effectively compelled them to remain in extremely vulnerable situations. According to Human Rights First, through February 2021 there were at least 1,544 publicly documented cases of rape, kidnapping, assault, and other crimes committed against individuals sent back under MPP. Multiple people, including at least one child, died after being sent back to Mexico under MPP and attempting to cross the border again.ⁱ

Title 42

Border expulsions are currently being carried out through section 265 of Title 42 under the pretext of protecting public health. It was invoked by the Trump administration at the outset of the COVID-19 pandemic as one of their many anti-immigrant efforts to hermetically seal the border. The Biden Administration not only continued using this policy – in part due to court order, but it has expanded it. Over 1.8 million expulsions have been carried out since the pandemic began. However, **nearly half of those expulsions were of the same people being apprehended and expelled back to Mexico multiple times.** As reported by American Immigration Council, this is because Title 42 has led to a significant increase in repeat crossings at the border. In fact, 1 in 3 apprehensions since Title 42 expulsions began have been of a person on at least their second attempt to cross the border.ⁱⁱ





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Continuing Family Separation

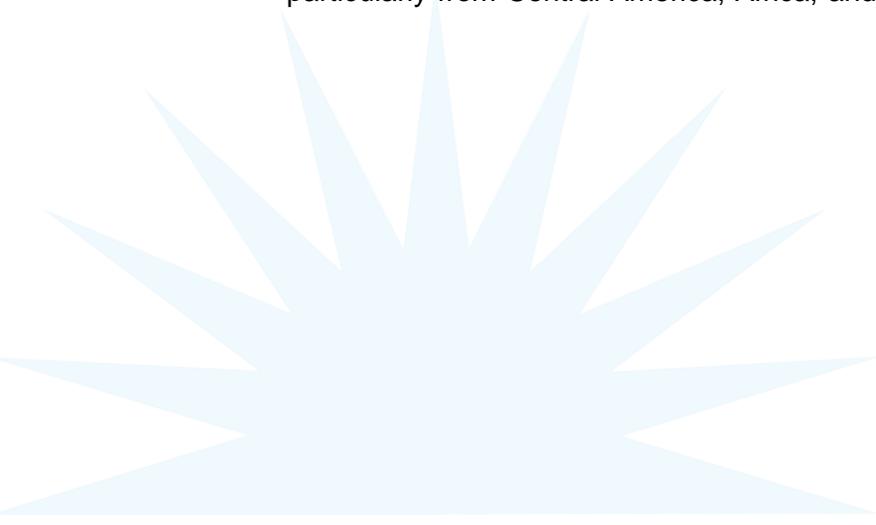
On April 6, 2018, then Attorney General Jeff Sessions announced the “Zero Tolerance” policy, separating thousands of families until enjoined by the ACLU’s class action lawsuit *Ms. L v. ICE*. In all, over 5,000 families were separated, and not all have been located to date. President Biden’s Family Reunification Task Force has reunified a few dozen of the hundreds who remain separated.

DHS’ implementation of MPP and Title 42 policies, described above, have separated countless more families by leaving immediate family members in different detention facilities, different border cities, or even different countries. Thousands of families living in dangerous border camps or other precarious conditions have chosen to send their children across the border alone, as Title 42 restrictions do not apply to unaccompanied children.

Jewish Family Service of San Diego and the American Civil Liberties Union of San Diego & Imperial Counties have documented continuing family separations in the California borderlands, including separations that are distinct from those covered in the *Ms. L v. ICE* lawsuit. In July 2021, the organizations sent a letter to DHS calling on Secretary Mayorkas to stop separating families seeking asylum.ⁱⁱⁱ

CHIRLA’s Perspective on Policy Solutions

All these policies, current and past, were first created and implemented by the Trump administration in a cruel and xenophobic effort to keep immigrants from coming to our country. More recently, a global pandemic was weaponized against these immigrants who were scapegoated as disease carriers in accordance with age-old and discredited racist tropes. These policies violated international and domestic laws, and they disproportionately harm Black, Indigenous, and Latinos, particularly from Central America, Africa, and Haiti. Further, they force people to





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remain in danger by pushing them to seek dangerous alternatives, including via smugglers, instead of being able to safely access the asylum system.

We believe that this Administration has a legal and moral obligation to welcome people with dignity, to stop criminalizing and vilifying immigrants, and to stop further border militarization. To that effect, Congress and DHS need to work together, alongside all levels of government and community-based organizations, to appropriate and allocate the necessary resources to create a robust and humane welcoming system that does not rely on detention, incarceration, and criminalization.

Thank you for considering CHIRLA's statement.

Please contact our General Counsel, Carl Bergquist, cbergquist@chirla.org, and our Southern Region Policy Manager, Esmeralda Flores eflores@chirla.org, should you have any questions.

ⁱ <https://humanrightsfirst.org/library/a-shameful-record-biden-administrations-use-of-trump-policies-endangers-people-seeking-asylum/>.

ⁱⁱ <https://www.americanimmigrationcouncil.org/research/guide-title-42-expulsions-border>.

ⁱⁱⁱ <https://www.aclu-sdic.org/en/press-releases/stop-splitting-families-at-the-border>.

